

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STELLAR MANAGEMENT GROUP V, INC.,
d/b/a QSI,

Plaintiff,

v.

DAYBREAK FOODS, INC.,

Defendant.

ORDER

19-cv-956-jdp

This matter was tried to the court on March 10–11, 2021. Based on the findings of fact and conclusions of law announced on the record at the conclusion of trial, the court will order judgment on the parties' claims as follows.

The court has jurisdiction under 28 U.S.C. § 1332 because the parties are diverse in citizenship and the amount in controversy exceeds \$75,000.00.

Plaintiff has proven its breach-of-contract claim against defendant for unpaid invoices in the amount of \$105,800.00. Plaintiff is not entitled to contractual interest because plaintiff materially breached the contract by failing to pay amounts owed under the contract to defendant.

Defendant has proven its breach-of-contract counterclaim against plaintiff in the amount of \$116,701.61 for uncompensated downtime and damage to equipment caused by plaintiff's employees. Defendant is not entitled to contractual interest because the contract did not provide payment terms for reimbursement for disputed claims of damage to equipment, and defendant did not calculate and present a claim for interest specifically for its downtime invoices.

IT IS ORDERED that the clerk of court is directed to order judgment for defendant against plaintiff in the amount of \$10,901.61 and close this case.

Entered March 11, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge